

Attorney Docket No.: CING-127

PATENT

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REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated January 26, 2006 and, thus, the application is in condition for allowance.

By this reply, claims 1, 3, 6, 8, 11, 14, 16, 18, and 20 are amended; and claim 13 is canceled. Of these, claims 1, 6, 11, 16, 18, and 20 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 6 and 7 were rejected under 35 U.S.C. § 102(e) as being anticipated by Smith (US 2002/0042277). It is asserted that Smith discloses a method with all of the limitations of the present invention as recited in the claims. Applicant respectfully traverses.

With respect to claim 6, Smith does not disclose all the limitations of claim 6 as currently amended. Smith discloses a method by which individuals may determine the location of another person without being required to place a call to the other person. See Smith, ¶ 5. Smith therefore does not disclose the step of obtaining a location information for a called party *during establishment of a call to the called party* or the step of *placing a call* between the calling party and the called party. Further, it is admitted in the Office Action that Smith does not disclose the step of forming a connection between the calling party and a called party. See Office Action, page 6. Thus Smith does not disclose all the limitations of claim 6 as amended.

With respect to claim 7, claim 7 depends on claim 6. Smith does not disclose all the limitations of claim 6. Therefore, Smith does not disclose all limitations of claim 7.

In the outstanding Office Action, claims 1 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stewart (USPN 6,049,718) in view of Kwan (USPGPUB 2002/0164974). It is asserted that Stewart discloses a method and system with all of the

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limitations of the present invention as recited in the claims, but for the steps of converting the location information to voice information; converting the location information to voice information; and forming a connection between the calling party and the called party. It is further alleged that Kwan does disclose these deficiencies and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

Neither Stewart nor Kwan, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. Nor would it have been obvious to one of ordinary skill in the art at the time the invention was made to combine the references as asserted by the examiner. Kwan discloses retrieving voice information from a directory based on location information. The information already exists in voice form at the time it is retrieved. See Kwan, ¶ 37. Indeed, if no voice information is found, no voice information is transmitted.

In contrast, claim 1 recites, among other things, converting location information into voice information. The information is not merely retrieved from a pre-existing location, it is created "on the fly" based on the location information. Kwan therefore does not disclose this limitation. Thus the combination of Stewart and Kwan does not teach all the limitations of claim 1 as presently amended.

In addition, it would not have been obvious to one of ordinary skill in the art to combine the teachings of Kwan and Stewart because Stewart teaches away from the combination. Prior art must be considered in its entirety, including disclosures that teach away from the claims. See MPEP § 2141.03. In this case, Stewart teaches away from the combination. Stewart teaches the disadvantages of placing calls and teaches a method to solve the problem of placing calls for the

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purpose of determining location. See Smith, col. 1, lines 28 – 33. Because Stewart teaches away from forming a connection between the calling party and the called party, it would not have been obvious to one of ordinary skill in the art to combine Stewart and Kwan to arrive at claim 1 as presently amended.

With respect to claim 4, claim 4 depends on claim 1. Because the combination of Stewart and Kwan does not disclose all the limitations of claim 1, the combination of Stewart and Kwan also does not disclose all the limitations of claim 4. In addition, it would not have been obvious to one of ordinary skill at the time the invention was made to combine the teachings of Stewart and Kwan for the reasons given above.

In the outstanding Office Action, claims 8, 11, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stewart in view of Smith. Applicant respectfully traverses.

With respect to claim 8, it is asserted that Stewart discloses a method with all of the limitations of the present invention as recited in the claims, but for the step forming a connection between the calling party and the called party. It is further alleged that Stewart does disclose these deficiencies and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

Neither Stewart nor Smith, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. In particular, Smith does not teach obtaining location information for a called party during *establishment of a call to the called party* as discussed above with respect to claim 6. Thus the combination of Smith and Stewart does not teach all limitations of claim 8.

Even if the combination of Smith and Stewart were to teach all limitations of claim 8, *arguendo*, it would not have been obvious to one of ordinary skill in the art at the time the

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invention was made because both Smith and Stewart teach away from such a combination. Smith teaches away from the combination as discussed. However, Stewart also teaches away from the combination.

Stewart teaches a method by which an individual can obtain the location of a user of a portable telephone without disturbing the user by requiring them to answer a call. See Stewart, col. 3, lines 34 – 38. A person of ordinary skill in the art, upon reading the teachings of Stewart, would understand that establishing a call between the two parties would be a disadvantage, not an advantage. For this reason, the person of ordinary skill in the art would not be motivated to combine Stewart with a reference which teaches establishing a call between two parties. Thus it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine Stewart and Smith.

With respect to claim 11, it is asserted that Smith teaches a network with all the limitations of the present invention as recited in the claims, but for location information being for a calling wireless device. It is further asserted that Stewart does disclose this deficiency and that the combination of these cited references would have been obvious to one of ordinary skill in the art at the time the invention was made. Applicant respectfully traverses.

Neither Stewart nor Smith, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. In particular, neither Stewart nor Smith teach a network element to establish a call between the calling wireless device and the called wireless device for the reasons given above with respect to claims 1 and 6.

In addition, for the reasons given above with respect to claim 8, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine or

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modify the teachings of Smith and Stewart because both Smith and Stewart teach away from including a network element to establish a call between a calling wireless party and a called wireless party.

With respect to claim 12, claim 12 depends on claim 11. As discussed above, the combination of Smith and Stewart does not teach all the limitations of claim 11 as amended. Therefore the combination of Smith and Stewart also does not teach all the limitations of claim 12.

In the outstanding Office Action, claims 9 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Kwan. Applicant respectfully traverses.

With respect to claim 9, it is asserted that Smith discloses a method and system with all of the limitations of the present invention as recited in the claims, but for the steps of obtaining name information for the caller IP; converting the location information and the name information to voice information; and announcing the voice information to the called party. It is further alleged that Kwan does disclose these deficiencies and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

Neither Smith nor Kwan, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. Nor would it have been obvious to one of ordinary skill in the art at the time the invention was made to combine the references as asserted by the examiner. Claim 9 depends on claim 6. For the reasons given above, Smith does not teach all the limitations of claim 6. Neither Smith nor Kwan teach the step of forming a connection between the calling party and the called party for the reasons given above.

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In addition, it would not have been obvious to one of ordinary skill in the art to combine the teachings of Smith and Kwan because Smith teaches away from such a combination. As discussed above, Smith teaches the advantages of *not* being required to establish a call between the calling party and the called party. See Smith, ¶ 5. As a result, a person of ordinary skill in the art would not be motivated to modify the disclosures of Smith to include establishing a call between the calling party and the called party.

With respect to claim 20, it is asserted that Smith teaches all the limitations of the network element recited in the claim but for the information being name information; the service being name service; and the establishment of a call. It is further asserted that Kwan does teach all these deficiencies and it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references. Applicant respectfully traverses. For the reasons given above, it would not have been obvious to one of ordinary skill in the art to combine the teachings of Smith and Kwan.

In the outstanding Office Action, claims 2, 3, 13, 14, and 16-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Stewart, Smith, and Kwan. Applicant respectfully traverses.

With respect to claim 2, it is asserted that the combination of Stewart and Kwan discloses the method of claim 1 but does not disclose obtaining the location information from a Gateway Mobile Location Center (GMLC); providing the location information to an Intelligent Peripheral; and the IP converting the location information to the voice information. It is further alleged that Smith discloses these deficiencies and that the combination of the cited references would have been obvious to one of ordinary skill in the art at the time the invention was made.

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For the reasons discussed above with respect to claim 1, the combination of Stewart and Kwan do not teach all the limitations of claim 1. In addition, it would not have been obvious to one of ordinary skill in the art to combine the disclosures of Stewart, Kwan, and Smith, because Stewart and Smith both teach away from such a combination for the reasons given above.

With respect to claim 3, it is asserted that the combination of Stewart and Kwan discloses the method of claim 1 as well as the step of the IP announcing the voice information over the connection between the called party and the IP, but does not disclose forming a connection between the called party and an intelligent peripheral (IP). It is further alleged that Smith discloses these deficiencies and that the combination of the cited references would have been obvious to one of ordinary skill in the art at the time the invention was made.

For the reasons discussed above with respect to claim 1, the combination of Stewart and Kwan do not teach all the limitations of claim 1. In addition, it would not have been obvious to one of ordinary skill in the art to combine the disclosures of Stewart, Kwan, and Smith, because Stewart and Smith both teach away from such a combination for the reasons given above.

With respect to claim 13, claim 13 has been canceled. The rejection is therefore moot.

With respect to claim 14, it is asserted that the combination of Smith and Stewart with all of the limitations of the present invention as recited in the claims but for the name information being for the calling wireless device. It is further alleged that Kwan discloses these deficiencies and that the combination of the cited references would have been obvious to one of ordinary skill in the art at the time the invention was made.

Claim 14 depends on claim 11. For the reasons discussed above with respect to claim 11, the combination of Smith and Stewart do not teach all the limitations of claim 11. In addition, it would not have been obvious to one of ordinary skill in the art to combine the disclosures of

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Stewart, Kwan, and Smith, because Stewart and Smith both teach away from such a combination for the reasons given above.

With respect to claim 16, it is asserted that the Smith discloses all of the limitations of the present invention as recited in the claims but for converting location information for a calling wireless device and providing the voice information to a called wireless device. It is further alleged that Stewart and Kwan do disclose these deficiencies and that the combination of the cited references would have been obvious to one of ordinary skill in the art at the time the invention was made. Applicant respectfully traverses.

It would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine Smith, Stewart, and Kwan. For the reasons given above, Smith and Stewart both teach away from establishing a call between the calling wireless device and the called wireless device. It would therefore not have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Smith, Stewart, and Kwan as asserted by the examiner.

With respect to claim 17, claim 17 depends on claim 16. It would not have been obvious to one of ordinary skill in the art to combine the teachings of Smith, Stewart, and Kwan at least for the reasons given above with respect to claim 16.

With respect to claim 19, claim 19 depends on claim 16. It would not have been obvious to one of ordinary skill in the art to combine the teachings of Smith, Stewart, and Kwan at least for the reasons given above with respect to claim 16.

With respect to claim 18, it is asserted that the Smith discloses all of the limitations of the present invention as recited in the claims but for the establishment of a call and the voice announcement of the caller's location to a called wireless device and obtaining location

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information for a caller. It is further alleged that Stewart and Kwan do disclose these deficiencies and that the combination of the cited references would have been obvious to one of ordinary skill in the art at the time the invention was made. Applicant respectfully traverses.

It would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine Smith, Stewart, and Kwan. For the reasons given above, Smith and Stewart both teach away from establishing a call between the calling wireless device and the called wireless device. It would therefore not have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Smith, Stewart, and Kwan as asserted by the examiner.

In the outstanding Office Action, claims 5, 10, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Stewart, Smith, Kwan, and Park (USPN 6,434,126). Applicant respectfully traverses.

With respect to claim 5, it is asserted that the combination of Stewart, Kwan, and Smith discloses all of the limitations of the present invention as recited in the claims but for the step of obtaining the name information using Calling Name Address Presentation (CNAP). It is further alleged that Park does disclose this deficiency and that the combination of the cited references would have been obvious to one of ordinary skill in the art at the time the invention was made. Applicant respectfully traverses.

Claim 5 depends on claim 4. In the outstanding Office Action, the Examiner rejected claim 4 over the combination of Stewart and Kwan, not the combination of Stewart, Kwan, and Smith. As discussed above, the combination of Stewart and Kwan do not teach all the limitations of claim 4. The Examiner has not shown how the combination of Stewart, Kwan, and Smith teach all the limitations of claim 4. Since the Office Action has failed to show that the

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combination of Stewart, Kwan, and Smith disclose all the limitations of claim 4, the rejection should be withdrawn.

Even if the combination of Stewart, Kwan, and Smith disclose all the limitations of claim 4, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine the disclosure of Stewart, Kwan, Smith, and Park. For the reasons given above, both Stewart and Smith teach away from the establishment of a call to a called party as recited in claim 1, from which claim 5 ultimately depends. It would therefore not have been obvious to combine the teachings of Stewart, Kwan, Smith, and Park to arrive at all of the limitations of claim 5.

With respect to claim 10, it is asserted that the combination of Stewart, Kwan, and Smith discloses all of the limitations of the present invention as recited in the claims but for the step of obtaining the name information using Calling Name Address Presentation (CNAP). It is further alleged that Park does disclose this deficiency and that the combination of the cited references would have been obvious to one of ordinary skill in the art at the time the invention was made. Applicant respectfully traverses.

Claim 10 depends on claim 9. The Examiner rejected claim 9 over the combination of Smith and Kwan. For the reasons given above, the combination of Smith and Kwan do not teach all the limitations of claim 9, including forming a connection between the calling party and the called party. The Examiner has not shown what deficiencies in the combination of Kwan and Smith are rectified by Stewart. Nor has the Examiner stated any teaching, suggestion, or motivation to combine Stewart with Smith and Kwan.

In addition, it would not have been obvious to one of ordinary skill in the art to combine the teachings of Smith, Kwan, Stewart, and Park. For the reasons given above with respect to

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claim 9, it would not have been obvious to one of ordinary skill in the art to combine the teachings of Smith, Kwan, and Stewart because both Smith and Stewart teach away from such a combination.

With respect to claim 15, it is asserted that the combination of Smith, Stewart, and Kwan discloses all of the limitations of the present invention as recited in the claims but for the step of obtaining the name information using Calling Name Address Presentation (CNAP). It is further alleged that Park does disclose this deficiency and that the combination of the cited references would have been obvious to one of ordinary skill in the art at the time the invention was made. Applicant respectfully traverses.

Claim 15 depends on claim 14. As discussed above, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Smith, Stewart, and Kwan because Smith and Stewart both teach away from establishing a call between a calling party and a called party. It therefore also would not have been obvious to one of ordinary skill in the art to combine Park with the disclosures of Smith, Stewart, and Kwan.

A TWO (2) month extension of time is hereby requested to enter this amendment. PTO-2038 form is included with an authorization to charge the three month extension fee to a credit card. If any other fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in

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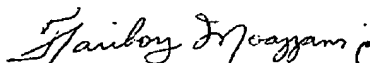
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any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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